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Promotion and protection of human rights: implementation of human rights instruments

Bangladesh, Bulgaria, Estonia, Finland, Georgia, Iceland, Mexico, New Zealand and Sweden: draft resolution

Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 70/145 of 17 December 2015, as well as relevant resolutions of the Human Rights Council and of the Economic and Social Council and its functional commissions,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities, including women and girls with disabilities, to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming the Universal Declaration of Human Rights,[1] the Convention on the Rights of Persons with Disabilities[2] and the Optional Protocol thereto,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child[5] and all other relevant international human rights instruments,

Welcoming general comment No. 3 of the Committee on the Rights of Persons with Disabilities, on women and girls with disabilities,[6]

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets

[1] Resolution 217 A (III).
[2] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[3] Ibid., vol. 2518, No. 44910.
[4] Ibid., vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.
[6] CRPD/C/GC/3.

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of the 2030 Agenda for Sustainable Development, and the recognition that realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets which contribute to the empowerment of women and girls with disabilities,

Recalling the Vienna Declaration and Programme of Action,[7] the Programme of Action of the International Conference on Population and Development,[8] the Beijing Declaration and Platform for Action[9] and the outcome documents of their review conferences,

Welcoming the fact that, since the opening for signature of the Convention and the Optional Protocol thereto on 30 March 2007, 160 States have signed and 175 States and 1 regional integration organization have ratified or acceded to the Convention and 92 States have signed and 92 States have ratified the Optional Protocol,

Noting with appreciation the work and activities that have been and continue to be undertaken in support of the Convention and towards the fulfilment and mainstreaming of the rights of persons with disabilities, including the rights of women and girls with disabilities through, inter alia, the Conference of States Parties to the Convention, the Committee on the Rights of Persons with Disabilities, the Special Rapporteur on the rights of persons with disabilities, the Special Envoy of the Secretary-General on Disability and Accessibility, and the Inter-Agency Support Group to the Convention and the Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action,

Expressing concern that women and girls with disabilities face multiple and intersecting forms of discrimination, which limit their enjoyment of all human rights and fundamental freedoms on an equal basis with others, particularly with regard to equal access to education and employment, access to health services, including sexual and reproductive health services, access to justice and equal recognition before the law, the ability to participate politically, live independently and be included in the community and exercise control over their own lives,

Expressing concern also that structural or systemic discrimination is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions, discriminatory and negative social norms, rules and attitudes, and unequal power relations that view women and girls, in particular women and girls with disabilities, as subordinate to men and boys,

Deeply concerned that stereotypes, stigmatization and discrimination heighten the risk of violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities compared to other women and girls, as well as men and boys with disabilities,

Concerned that the continuing lack of reliable statistics, data and information on the situation of women and girls with disabilities at the national, regional and global levels contributes to their exclusion in official statistics, policies and programmes, and in this regard recognizing the need to intensify efforts to strengthen data collection and analysis, and disaggregate data by disability, gender and age to support the development of evidence-based policies and programmes inclusive of women and girls with disabilities,

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[7] A/CONF.157/24 (Part I), chap. III.

[8] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

Recognizing the need for States to accelerate the development, implementation and mainstreaming of strategies that respect, protect and fulfil the rights of all women and girls with disabilities to the enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting legislation, policies and programmes that are inclusive of all women and girls with disabilities, and affirming that realizing their human rights requires the full, effective and meaningful participation and inclusion of women and girls with disabilities in all aspects of public, political, economic, cultural, social and family life, on an equal footing with all others,

Stressing the importance of closely consulting and actively involving women and girls with disabilities and their representative organizations in the development and implementation of legislation and policies that have an impact on their lives and in other decision-making processes concerning issues relating to persons with disabilities,

Acknowledging the importance of taking measures to raise awareness of the rights of women and girls with disabilities in order to combat stereotypes, prejudices and harmful practices which seriously violate and impair or nullify the enjoyment of all human rights and fundamental freedoms by women and girls with disabilities and constitute major impediments to their full, equal and effective participation in society, the economy and political decision-making,

1. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

2. *Encourages* States that have ratified the Convention and submitted one or more reservations to it to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible and easy to understand information on the Convention and the Optional Protocol thereto, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

4. *Welcomes* the report of the Secretary-General on the situation of women and girls with disabilities and the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto[10] and the report of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities on sexual and reproductive health and rights of girls and young women with disabilities;[11]

5. *Invites* the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to address and engage in an interactive dialogue with the General Assembly annually, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee on the Rights of Persons with Disabilities;

6. *Emphasizes* the importance of mainstreaming disability-related issues as an integral part of relevant sustainable development strategies, and encourages States to apply a human rights-based approach and to intensify their efforts to advance the rights of persons with disabilities in the implementation of the 2030

[10] A/72/227.
[11] A/72/133.

Agenda for Sustainable Development, consistent with their international obligations;

7. *Urges* States to combat multiple and intersecting forms discrimination against women and girls with disabilities through repealing discriminatory laws, policies and practices that prevent women and girls with disabilities from enjoying all the rights enshrined in the Convention, including outlawing gender- and disability-based discrimination and its intersectional forms;

8. *Calls upon* States to adopt effective measures to provide women and girls with disabilities access to the support they may require to exercise their legal capacity to give their free and informed consent and to take decisions about their own lives;

9. *Also calls upon* States to strengthen efforts to empower women and girls with disabilities and enhance their participation and leadership in society through addressing all barriers that prevent or restrict the participation of women and girls with disabilities and ensuring that women and girls with disabilities are closely consulted and actively involved in the design, implementation and monitoring of all legislation, policies and programmes which have an impact on their lives, including in the government and public sector, the private sector and disability and gender movements and in all branches and bodies of the national monitoring system;

10. *Urges* States to review and repeal any law or policy that restricts women with disabilities from their effective and full participation in political and public life on an equal basis with others, including in respect of the right to form and join organizations and networks of women in general and of women with disabilities in particular;

11. *Calls upon* States to support and promote the creation of organizations, including civil society organizations, and networks of women and girls with disabilities, and to support and encourage women with disabilities to take leadership roles in public decision-making bodies at all levels, and recognizes the importance for States of having an open, inclusive and transparent engagement with civil society in the implementation of measures on women and girls with disabilities;

12. *Also calls upon* States to strengthen and intensify their efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to inclusive education by all women and girls with disabilities, to eliminate legal, administrative, financial, structural, social and cultural barriers that hinder their equal enjoyment of the right to education and the right of women to work on an equal basis with others;

13. *Further calls upon* States to implement effective measures to ensure that women with disabilities have access to decent work on an equal basis with all others in the public and private sectors, that labour markets and work environments are open, inclusive and accessible to persons with disabilities, and in this regard take positive measures to increase employment of women with disabilities and eliminate discrimination on the basis of disability with regard to all matters concerning all forms of employment, including recruitment, retention and promotion, and the provision of safe, secure and healthy working conditions, in consultation with relevant national mechanisms and organizations of persons with disabilities;

14. *Calls upon* States to take effective action to prevent and eliminate violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities without delay through, inter alia:

(a) Adopting and amending legislation on violence against women to ensure that it expressly prohibits and provides adequate protection for women and girls

with disabilities against all forms of violence, including domestic and intimate partner violence and violence perpetrated by caregivers, health-care providers, religious leaders and others in positions of authority, and ends impunity and adequately penalizes offences involving physical, sexual, psychological and economic violence occurring in families, in institutions and carried out by caregivers;

(b) Taking all appropriate measures to eliminate discrimination on the basis of gender and/or impairment by any person, organization or private enterprise, including to exercise due diligence by preventing violence or violations of human rights, ensuring access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination and violence against women and girls with disabilities, taking into account the multiple, intersecting and aggravating forms of discrimination, and protecting victims and witnesses from violations while investigating, prosecuting and punishing those responsible, including private actors, and providing access to redress and reparations where human rights violations occur;

(c) Ensuring that services and programmes designed to protect women and girls from violence are accessible to women and girls with disabilities, including by ensuring that facilities are accessible, mainstreaming disability in materials and training courses addressed at professionals working on violence against women, and ensuring dissemination of information on available protection and other available services in accessible formats;

15. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to promote gender equality and women's empowerment, to address violence against women and girls, and to provide timely and appropriate reintegration and rehabilitation assistance to persons with disabilities, while ensuring that their specific needs are addressed, such as access to health services, including sexual and reproductive health services, psychosocial support and educational programmes;

16. *Calls upon* States to realize the full and equal enjoyment of the right of women and girls with disabilities to the highest attainable standard of physical and mental health, including sexual and reproductive health, in particular by ensuring access to quality and affordable health facilities, goods and services and by repealing legislation and regulatory provisions that allow the performance of harmful practices such as forced sterilization, forced abortion and contraception, child, early and forced marriage and female genital mutilation, and to ensure that any medical procedure or intervention is not performed prior to the free and informed consent of women and girls with disabilities;

17. *Also calls upon* States to take measures to provide inclusive and accessible disability-, gender- and age-appropriate information, support and reasonable accommodation to girls and young women with disabilities so that they can access and enjoy services and facilities related to sexual and reproductive health and rights on an equal basis with others;

18. *Further calls upon* States to provide comprehensive sexuality education programmes, in and out of school, that are inclusive of girls and young women with disabilities and their specific needs in a manner consistent with their evolving capacities and in accessible and alternative communication formats, including sign language, Braille, accessible electronic formats, alternative script, easy-to-read formats, and augmentative and alternative modes, means and formats of communication in order to improve the sexual and reproductive knowledge of girls

and young women with disabilities, equip them with the skills to navigate healthy relationships, make decisions about their bodies, futures, sexual and reproductive lives, and to reduce sexual violence against them;

19. *Calls upon* States to collect and analyse data that is able to be disaggregated by income, gender, race, age, ethnicity, migratory status, disability, geographic location and other characteristics relevant to national contexts to assist with the identification and eradication of barriers that prevent women and girls with disabilities from enjoying all the rights enshrined in the Convention, to guide policy planning for the implementation of the Convention and eliminate all forms of discrimination, especially multiple and intersectional discrimination, and improve data collection systems to ensure adequate monitoring and provide an evaluation framework for the implementation of the Convention and the Sustainable Development Goals in relation to women and girls with disabilities;

20. *Urges* States and other relevant stakeholders to continue to support the inclusion of persons with disabilities, including women and girls with disabilities, in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability, gender and age for specific indicators, on the basis of the Washington short set of questions and other data collection methodologies, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies related to women and girls with disabilities in the context of the Goals;

21. *Encourages* States, United Nations entities and relevant international organizations, inter alia:

(a) To ensure that international cooperation is disability and gender sensitive and inclusive, including through the implementation of disability markers to monitor the implementation of programmes, and the collection of data and statistics on women and girls with disabilities in the implementation of the 2030 Agenda and the Sustainable Development Goals and their targets and indicators, as well as other international frameworks;

(b) To support and promote international cooperation and assistance and enhance partnerships and coordination among themselves and the active participation of civil society organizations, including women's organizations and organizations of women and girls with disabilities and other key stakeholders in strengthening means of implementation, including mobilization of financial resources and technical cooperation for the implementation of the Convention and the Sustainable Development Goals focusing on women and girls with disabilities;

22. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the rights of persons with disabilities with a focus on article 9 of the Convention, on accessibility, in consultation with relevant United Nations agencies, including, inter alia, the Office of the United Nations High Commissioner for Human Rights, taking into account the views of relevant stakeholders and using existing available materials, and to include a segment on the status of the Convention and the Optional Protocol thereto;

23. *Also requests* the Secretary-General to continue to ensure that the Office of the High Commissioner has adequate resources for the fulfilment of its tasks with respect to its work on the rights of persons with disabilities.